LETTER

FROM

THE MASTER OF THE ROLLS, NEW-BRUNSWICK,

TO

HIS GRACE THE DUKE OF NEWCASTLE,

HER MAJESTY'S SECRETARY OF STATE FOR THE COLONIES,

ON

THE ACT OF ASSEMBLY, 17 VIC., CAP. LXVII.,

"Relating to the Administration of Justice in Equity."

J. & A. McMillan, Printers, Prince Wm. Street, St. John, N. B.

LETTER.

Fredericton, New Brunswick, May 16th, 1854.

MY LORD DUKE—

It is with great reluctance that I find myself under the necessity of trespassing on Your Grace's attention.

An Act has passed the Legislature of New Brunswick, during the Session just closed, which materially affects my private rights, and involves considerations of great public interest. The circumstances are as follows:

In March, 1838, an Act was passed, (1st Vic. c. 8,) to authorize the appointment of a Master of the Rolls in this Province, and to provide for such officer. By the first Section, the Lieutenant Governor was authorized "to appoint, "and in case of vacancy by death, resignation, or other "cause, to appoint anew, a Master of the Rolls in the Court "of Chancery in this Province, who should hold his office "during good behaviour;" such person, so from time to time appointed, to be "a Barrister of ten years standing "at least."

By the second Section, that officer was to "have the like "powers and authority in respect to the Court of Chancery "in this Province that the Master of the Rolls in England "has in respect to the like Court in that country," except so far as the same might be altered, enlarged, curtailed or regulated by the Legislature, at that or any subsequent Session.

By the third Section he was constituted, except on ap-

peals from his own decisions and hearings thereon, the responsible adviser and Judge of the Court.

By the fourth and fifth Sections, for the support of this officer there was granted to the Lieutenant Governor, or person administering the Government for the time being, the sum of eight hundred pounds currency, annually, payable to the Master of the Rolls by quarterly instalments, by warrant under the hand and seal of the Lieutenant Governor upon the Treasury of the Province; such salary to be "in lieu of all fees of office."

This is the first high judicial office authorized and provided for by an Act of the Legislature, and Your Grace will perceive that the appointment, (departing from the precedent of that of the Common Law Judges, whose commissions run "during pleasure,") was to be held by a permanent tenure.

It was further declared, that the Master of the Rolls should be ineligible to hold a seat in either of the Councils or in the House of Assembly. By an additional enactment of the following year, the right of appointment was to be in the Crown, saving, however, the rights of the officer already appointed.

I had the honour to be selected to fill this office, as the first Master of the Rolls under the Act, and, I need hardly add, that in accepting it, my professional rank and practice at the Bar were necessarily sacrificed. The appointment moreover involved a relinquishment of my position as a member of the Government, and also a change of residence from Saint John to this place, which latter was made expressly necessary by the additional Act already referred to.

These several Acts received the sanction of Her Majesty's approbation.

On my acceptance and entering upon the duties of this office under my commission, I became, by law, vested with all the estate, rights and privileges attaching to a judicial office held during good behaviour. I have ever since dis-

charged its duties, and am ready and willing to continue to discharge them. These rights are clear and well defined: an estate, virtually for life, in the office, with its emoluments and advantages, is created in the incumbent, to be held and enjoyed on the condition of the faithful performance of its proper duties. On breach of this condition, or in case of resignation, this right ceases altogether. The officer may or may not, in the latter event, be entitled to a retiring allowance, according as the Law or the Royal favour may have determined. If, on the other hand, the office is neither forfeited nor resigned, and the officer is neither unwilling nor incompetent to discharge its duties, but it is deemed for the public interest and advantage that the office should be abolished, the case then is wholly different; the condition on which it was conferred remains, it is true, thenceforth unperformed, but it is so, not through fault or failure on his part, but because its performance has been rendered impossible by a sovereign act of legislation to which the Judge is no party. In such case it would seem inconsistent with justice that the public should thereby relieve itself from the obligation which it has contracted, and that the right to those emoluments should be forfeited. The true principle which governs such cases appears so plain, and has been so recently acted upon in the abolition of the office of the Masters in Chancery in England, and even of that of their chief clerks, that it is quite unnecessary to do more than refer to the Act of 15 and 16 Vic. c. 80. This secures the continuance of the whole amount of the salaries of these officers to them for life.

The position of an officer holding during good behaviour is greatly understated by the common mode of considering it as secured merely by *compact*, and by speaking of the invasion of his rights only as a breach of *contract*. It is something much more. But I will ask Your Grace's attention to the individual case in hand.

The Act of 1st Vic. c. 8, already referred to, passed at

the instance of the Crown. On an application by its representative, a *permanent grant* was made to the Lieutenant Governor, of a fixed annuity for the purpose expressed in the Act. And the Queen's Representative, (being so provided with the necessary means,) by the express authority of the Law made a *permanent grant* of the office, with its emoluments, thereby conveying to the person selected a freehold estate therein. The question is thenceforth, not what the Crown *shall* do under agreement, but what it has already done. It is not a question of *contract* but of *title:* not of the future granting of the salary, but whether it can resume without a forfeiture what it has already granted: my appointment I thus hold not merely by force of the law, but on the faith of the Crown, fully armed with the means of my protection, for of the grant so made to *it*, the Crown can never be deprived, except *by the assent and act of the Crown itself.* Enjoying such a title, a Judge feels that it is protected by every safeguard that secures to him his house or his land, with the further assurance that the preservation of his rights, from the public considerations which surround them, is of infinitely greater moment than of those of any private individual whatever.

The language of the Act 15 and 16 Vic. c. 80 (sec. 4), already referred to, is very significant. The retiring Masters shall thereby "*continue entitled*" to receive during their lives by way of retiring allowance, their salary and compensation allowances; and by the next section the salaries, &c., shall "*continue*" to be payable out of the same funds on the days and in the same manner as their present salaries and compensation allowances respectively.

I now respectfully invite Your Grace's attention to the Act just passed entitled "An Act relating to the administration of Justice in Equity."

By the first section of this Act, first chapter, the Court of Chancery is summarily abolished, and the jurisdiction transferred to the Supreme Court, under the title of the "Equity side" of that Court.

The 7th section is as follows:

"The Master of the Rolls shall be one of the five "Judges of the Supreme Court, both in law and in Equity, "but his salary as such Judge shall, during his incumbency, "be paid in the same manner and to the same extent as "when Master of the Rolls, without fees or allowances "other than travelling charges on circuits, and the office of "Master of the Rolls is hereby abolished."

No previous section had increased the present number of the Judges, which by the constitution of the Supreme Court, under the Royal Commission, consists of a Chief Justice and three Assistant Judges; nor is any thing here said of the tenure, or successor to the additional Judge. It is not, however, my intention to offer any comment on these points. Various other provisions then follow, to which it is unnecessary to refer, and the Act concludes by repealing, among other Statutes, the Act 1st Vic. c. 8, creating the office of the Master of the Rolls, and that in addition thereto, already alluded to. No option whatever is allowed as to the assumption or refusal of the new office, but, on the Act coming into force, the Master of the Rolls is absolutely to become, *ex vi legis*, a Judge of the Supreme Court.

Without referring at present to other remarkable provisions of the Act, I submit that this enactment is in violation of the rights conferred on me by my commission, that it is arbitrary and unconstitutional.

It is quite true that the salary is the same, and it is also equally true that the duties of a Judge may be from time to time, altered, augmented or diminished by the Legislature, provided such alterations are consistent with the nature of his office. This authority has been largely exercised as will be seen in the additions from time to time made to the original duties of the Court of Chancery. But it cannot, I apprehend, be contended that this right comprises an authority entirely to destroy the office and abolish the officer, and to transfer him to a different Court and a different

sphere of duties. It would hardly be thought within the proper limits of this power to transfer a Judge of one of the Ecclesiastical Courts without his consent to a Court of Common Law, or what may be more analogous, to have abolished the office of the English Master of the Rolls, and place him, regardless of all objections, on the Bench of the Exchequer, when it exercised the Common Law and Equity jurisdiction united.

It is quite true that in some States of the adjoining Republic the notion of vested rights in offices, however stipulated for by their commissions, is very generally repudiated, and the power has been largely exercised of abolishing offices without compensation, and transferring judges from Court to Court, at the will of the Legislature, regardless of remonstrance on their part and irrespective of the nature of their tenure. The same authority has been asserted in its broadest terms in this Colony, within a very recent period, and, if it be admitted, will no doubt justify the present enactment, in which it is in fact assumed. However consistent with republican notions of liberty and the rights of the judiciary such a principle may be regarded, it has happily for the public welfare never obtained in England, and has hitherto been firmly resisted in this Colony by the uniform tenor of every dispatch from the Colonial office, whatever the party in power.

As the importance of maintaining unimpaired the rights of the judiciary has been thus distinctly acknowledged and avowed as the rule of Her Majesty's Government, I might perhaps safely rest the question here. But I should be sorry either to leave room for doubt or suspicion as to the grounds of my objection to the proposed change personally, or to shrink from placing before Your Grace those infinitely more important public considerations which my position as a Colonial Judge has strongly forced upon my conviction. It would indeed be extremely desirable that the discussion of a matter of this nature could take place before some pub-

lic tribunal such as the judicial Committee of the Privy Council. I am sensibly impressed with the great disadvantages under which it must be attempted at a distance and on paper, under the pressure moreover of an Act, which has already received the assent of Her Majesty's Representative in the Province, acting on the advice of his Council. A discussion which must proceed on my part (unless an opportunity be afforded through Your Grace's favour,) without the means of knowing or answering the arguments which may be urged by those with whom on this occasion I have the misfortune to differ.

The peculiarity of my situation must be my excuse if I am constrained to enter somewhat more at large into this subject than may consist either with Your Grace's leisure or my own wish.

I beg permission in the first place to state the personal reasons of my objection to the change, before touching on others of a more general nature. On entering upon the duties of my office, from the absence of precedent in a Court which had been then for the first time placed under a Judge exclusively devoted to Equity, a task of no ordinary difficulty devolved on me in the adoption and application of English principles of jurisprudence, as modified by local circumstances and Provincial enactments, and in framing rules of practice. A statutory jurisdiction was created, and from time to time enlarged, first by the establishment of a system of Bankruptcy which was after some years succeeded by an entirely different enactment, though with a somewhat similar object: these came to be administered by myself while they remained in force. Both are now abolished, but a similar law may at any time be renewed. An appellate jurisdiction was also created, whereby an appeal was given to the Court of Chancery from the Surrogate and Probate Courts established in the several Counties in the Province. All these various duties, with others connected with my office have abundantly and exclusively occupied

my attention during the last sixteen years, and withdrawn it entirely from the practice and proceedings of Common Law.

Another circumstance which I may be allowed to mention is that my brother, the Honorable Robert Parker, having been appointed to the Bench of the Supreme Court in 1834, of which Court he has been since and still is one of the Judges, and this being the only superior Court of Common Law in the Province, I never from that period looked to a seat on the Common Law Bench, considering that such an arrangement would be obviously objectionable. This opinion I have seen no reason to alter, and am convinced that, however it may have been recommended by reasons of temporary convenience, we should soon be made sensible of the public dissatisfaction that would naturally arise. Under these circumstances, independent of any other grounds of objection, it will not, I trust, be deemed surprising or unreasonable that I am not prepared to undertake the duties of a Judge of the Supreme Court, and the administration of Criminal and Common Law.

That I was justified in this exclusive devotion to the business of my own Court, I think will be more apparent from the circumstances under which the office of the Master of the Rolls was established. The Lieutenant Governor, Sir John Harvey, in his message to the House of Assembly, dated 18th January, 1838, as appears from the Journals, page 72, pointed out as a great defect, the manner of then conducting the Chancery business. He observes, "The "Lieutenant Governor is under the necessity of delegating "his judicial functions as Chancellor to the Judges of the "Supreme Court. This arrangement presents *the incon-* "*gruity of the Common Law and Equity jurisdictions* "*being vested in the same persons,* while these two systems "of jurisprudence depend upon principles and are adminis- "tered in modes widely differing from each other. This "incongruity is strikingly exemplified in the case, by no

"means uncommon of the Court of Chancery being called "upon to restrain proceedings in the Supreme Court. "Great difficulties and delays also are constantly occurring "to suitors, from the want of a judicial officer whose time "and attention may be distinctly and uninterruptedly devoted "to the business of the Court of Chancery."

In the report of the Select Committee to whom the Message was referred recommending making provision for the appointment, they observe that the duties of the Chancery Judge "will require the undivided attention of a professional man." It was on the force of these considerations the office of Master of the Rolls was created. I may be excused I think for not expecting the reproduction of the incongruity thus forcibly exposed, which it is the avowed object of the present measure to re-establish.

It has no doubt been considered by the framers of this measure that, inasmuch as the salary is to remain the same, this enactment, to whatever other observation it may be liable, is free from the objection of infringing a private right; that the new office is a full compensation, and that it therefore works no *individual* injustice. The foregoing details will I trust have shown that this reasoning, even if good in another case, which I do not admit, is in the present instance wholly fallacious. While however voluntarily offering these explanations, I must most respectfully protest against being held *bound* to vindicate myself for declining to acquiesce in the present enactment. Holding, as I do, an office for life, this is, I apprehend, entirely unnecessary.

But the act is manifestly of a character both arbitrary and unconstitutional: arbitrary in taking away rights and imposing involuntary duties, and unconstitutional, first, because (besides other anomalies) in lieu of placing the appointment of the additional Judge where, by the constitution of the Supreme Court, that of the Chief Justice and other Judges resides, namely in the Queen, the Act itself appoints the fifth Judge; and secondly, because it is a judicial office,

and one vested with the highest powers, and not a ministerial office which is thus imposed, entirely independent of the sense entertained of his own qualifications by the party appointed.

It is unnecessary to point out, however desirous a Judge might be to perform his duties, how serious a tendency such a mode of appointment must have to diminish judicial responsibility. But I may be pardoned if I presume to occupy Your Grace's attention with some further considerations of much moment. The deep conviction I feel of the importance of the questions involved will, I trust, plead my excuse. It is well known with how much jealousy whatever has a tendency to affect the great principle of judicial independence is regarded in England. Established on a firm basis at the Revolution, and signally strengthened at the commencement of the reign of King George the Third, it has become part and parcel of the Constitution. How vastly the welfare of the Mother Country has been thereby promoted, it is impossible to estimate. It is not too much to say that in proportion to the influence of this principle in a great measure will be the prosperity and happiness of any people.

A moment's consideration of the nature and constitution of a Colonial dependency, and what has passed in New Brunswick as well as elsewhere, will show that its protection from injurious influences must here require at least an equal watchfulness, and that it cannot with safety be left to local authorities.

The preponderating power of the popular branch of the Legislature, in a country where the counterpoise of a permanent aristocracy is entirely wanting is everywhere acknowledged. More particularly must this be the case in New Brunswick where the members of the Second Chamber, the Legislative Council, so far from holding their position as in England by an hereditary and inalienable right, are appointed from time to time, virtually on the recom-

mendation of the majority of the House of Assembly, that appointment being not even for life, and the members of the Council being free at their discretion to resign their situations in order, as has been the case in several recent instances, to become members of the House of Assembly. The Queen's Representative, however highly qualified for his office, cannot be expected to be perfectly unbiased even in cases like the present, by the political influences which immediately surround him. Nor, however just his views, can he always act effectively and decidedly on the convictions of his own mind. The Judges are entirely removed from any part in legislation by their exclusion without exception from both branches of the Assembly. The avowed reason for this exclusion is that they may be separated entirely from the political arena and devoted to their proper duties. Whatever the advantage of this arrangement to the public, the necessary consequence is that measures may be introduced in which their rights are materially involved with no one to protect or maintain them. In England there is no doubt the Judges may rely with perfect confidence on the protection of the Government, in the unlikely event of their being assailed. But in this country, as in other new countries, where subjects of this kind have not been deeply considered, very different views are entertained, on this as on other points, and a reference to the following circumstances will show how little a Judge can look with confidence for support from that quarter.

In 1849 a Bill was introduced by the Government, which passed the Legislature, for the prospective reduction of judicial salaries. An amendment was moved by the Opposition that the reduction should also apply to the present incumbents. This however was successfully resisted by the Government, and the Bill passed as introduced, affecting only future appointments. On the following year, to the astonishment of those who were then members of the Bench, a series of resolutions was introduced by the Attorney Gene-

ral, the leader of the same Government, one of which had for its object the very purpose which had been resisted the year before. This unexpected proceeding was announced expressly as a Government measure. As no opportunity was afforded the Judges of offering any remonstrance to the Government previous to its introduction, I was compelled, in defence of my own rights, to resist, in limine, both on public and personal grounds, a measure of the Government, or to submit tamely to the infringement of my rights by the Legislature, ignorant as to what might have passed between the Colonial Office and the Lieutenant Governor to account for such change of views. Placed thus in circumstances where I could look for no support within the Province, I strenuously resisted, before the House, the passage of the resolutions, first, as violating public faith; secondly, as aiming a direct blow at judicial independence; thirdly, as establishing a Colonial standard of honesty, wholly independent of that which had ever prevailed in England,—a course entirely inconsistent with our Colonial relations.

Notwithstanding my opposition, and although it was strenuously opposed by one member of the Government, yet, supported as the measure was, it passed the House of Assembly by a large majority, as did also the Bills subsequently introduced founded thereon. These Bills failed in the Council, and the matter thus terminated. It has since appeared, by documents acccompanying a Message from the Lieut. Governor, printed in the Journals of 1851, p. 140, that this measure was expressly disapproved by His Excellency, that that disapproval was declared in Council previous to its introduction, and that His Excellency considered it, first, as implying a breach of the Civil List compact; secondly, as inconsistent with the faith of the Crown; and thirdly, as violating judicial independence.

Such then is the peculiar position of a Colonial Judge in New Brunswick, and his attention is liable to be continually distracted from his proper duties in order to defend himself

against those who, of right, should be his protectors. The Executive Government then comprised the Attorney and Solicitor Generals and two Queen's Counsel; and six of the nine members—the entire number—were lawyers. It could not be supposed by the lay members of the House, that a measure proposed under such auspices could be deemed either inconsistent with public faith, or open to any constitutional objection. Although this Bill did not pass the three branches, the resolution remains on the records of the Assembly, unrescinded, as a dangerous precedent. It could hardly have been expected that these Bills, even if they had passed here, would have been approved by Her Majesty, as they were contrary to the tenor of every despatch from the Colonial Office on the subject of the Judges salaries, and would have entirely destroyed all security whatever on their part. The introductory resolution already alluded to was adopted apparently without division. It affirmed "that the salaries of public officers ought at all times to be subject to such modifications *by the Legislature* as the exigencies of the Province and the duties performed may render necessary, *irrespective of the tenure by which such officers hold their appointments:*" and it was in accordance with this principle that it was further resolved that the salary of the present Master of the Rolls should be reduced by the sum of two hundred pounds.

Although partial changes have since been made from time to time in the Executive Government, and the present Attorney General has strenuously opposed the reduction of salaries except prospectively, the Solicitor General and two Queen's Counsel, with the Provincial Secretary, who were members of the Government in 1850, still remain. The Solicitor General has been the real head of the Law Commission, and another of the three members whose names are affixed to the Report was also a member of the same Government. It is not at all to be wondered at that the members of that Government should have perceived no

legal or unconstitutional difficulties in dealing with a Judge in the manner proposed in the present Bill. "The public exigencies," or what the Legislature may consider as such, may sanction any violation of judicial rights, and the proceedings of the Government in 1850 was vindicated in the House of Assembly by the startling announcement of one of its members that the *salaries* of Judges, as well as themselves, were *public property:* a doctrine which, with the practical comment by which it was accompanied, would reduce the position of a Judge in regard to the rights conferred by the Royal Commission, below the level of any other subject in Her Majesty's dominions, and degrade the public servant to a public slave.

It is not quite unworthy of notice that in the Colonies the leading members of the Assembly in both branches are, very generally, practising lawyers, and in this country as well as almost everywhere else, the same individual combines the character of Attorney and Barrister. Their influence in a country where the higher advantages of education are not so general is not to be measured by that of the same classes in the British Parliament. In the Government, as we have seen, they very lately formed the proportion of two-thirds of the whole. Five, out of the nine members of the Executive Council, are now lawyers. It is not to be denied that the talents and habits of business of this class of members justly secure to them very great weight. In looking, however, to a measure like the present, and to the precedent it would establish, can it be either wise or safe that the Judges should be thus placed in the power of those who practice before them? Without questioning for a moment the general good feeling of the members of the profession, it is not easy to imagine any thing more likely to lessen the just influence of the Bench, to foster judicial subserviency, and to weaken public confidence, than the admission of a principle which, while it transfers from the Crown its legitimate prerogative, arms a popular body thus composed

with the formidable power over the Bench which is exercised in the present instance.

A measure of this nature is not limited in its consequences by the bounds of a single dependency. It is felt throughout every part of the Colonial dominion in which Representative institutions exist, and the case becomes that of every Judge it contains. A precedent here established, on the pressure of local considerations, cannot be resisted by Her Majesty's Government elsewhere. The right conceded in a single instance at once becomes the common property of every local Legislature; and once yielded, is irrevocable.

In this country no provision exists for a retiring Judge, however long and meritorious his services. However wise the policy of such provision, although recommended by the strongest claims, its establishment has hitherto been strenuously and successfully resisted. If, in addition to this discouraging circumstance, a Judge willing and not incompetent to continue the discharge of his proper duties, may be at any moment deprived of his situation on any other terms than that of retaining his emoluments for life, the temptation to leading men at the Bar to accept so precarious a situation will be very sensibly diminished.

I am not at all insensible to the inconveniences which may be urged on Her Majesty's consideration against withholding the Royal assent to this Act, and that the maintenance of a judicial right, and the far greater public consequences which it involves, are liable to be overshadowed by the political considerations which surround it. But Her Majesty's Government, however increasingly disposed to yield political rights to the Colonies, and the power of self-government, has hitherto done it with the important reserve of the rights of the judiciary; and the wisdom as well as justice of this reserve has been more and more seen and appreciated.

Although the appointing of a Law Commission was a

Government measure, and though the new measures for the alteration of the law prepared by the Commissioners were introduced by the Attorney General, yet they were not introduced as measures for which the Government, as such, held itself responsible; but on the contrary, the Attorney General claimed the right to exercise his own free judgment as to supporting or opposing the several changes proposed. Against his opposition it was determined that this Act should go into effect on the first of September next, *prior* to the next Session of the Legislature, while he, on the contrary, contended that it should not take effect until after that period. The Attorney General also in vain contended that a clause should be added suspending its operation until Her Majesty's pleasure should be known.

I do not understand how the passing of an Act of this nature, without such clause, can be reconciled with the positive instructions of Her Majesty to the Lieutenant Governor; but I feel satisfied that Her Majesty will not permit the interests involved to be compromised through the undue pressure which this circumstance has a tendency to create.

Independent of the objections which I have thus laid before Your Grace, the change proposed in the Courts has been considered by the learned Judges of the Supreme Court, as well as myself, as so little calculated to improve the administration of justice, that it has called forth an earnest and united remonstrance against the passing of the Bill, a copy of which I beg to transmit herewith, to which, as well as the other documents referred to in the subjoined schedule, I crave leave to refer. I had hoped the reasons therein given would have rendered any proceeding on my part like the present unnecessary. Its postponement for more deliberate consideration can be productive of little possible inconvenience. Whatever temporary disappointment may be experienced should Her Majesty be advised to withhold Her assent, there can be no doubt that if the objections stated be well founded, calm reflection will satisfy the good

sense of the public mind that in maintaining unshaken those principles which have been hitherto upheld, Her Majesty will have consulted not only the honour of the Crown, but the permanent welfare of Her loyal people.

In conclusion then I would beg Your Grace's serious consideration of this measure. In case doubts should be entertained of the validity of the objections I have urged, I respectfully pray that Her Majesty may be pleased to order that this Act may be referred to Her Majesty's constitutional advisers more especially cognizant of matters affecting the judiciary, or to the Law Officers of the Crown, to advise Her Majesty thereupon, and more especially—

1st. Whether any and what right vested in me on my appointment as Master of the Rolls.

2nd. Whether this office can be legally or constitutionally abolished without securing the continuance of my income for life.

3rd. Whether the exercise of judicial functions as a Judge of the Supreme Court, affecting life, liberty, and property, can be constitutionally imposed on any of Her Majesty's subjects against his will, independent of his own sense of fitness or qualification.

4th. Whether such appointment can be constitutionally made by the Legislature, and not by the Crown, more especially while the Chief Justice and other Judges of the Supreme Court hold under the Royal Commission.

For the aforegoing reasons I humbly pray that Her Majesty will be graciously pleased to disallow the Act "relating to the Administration of Justice in Equity."

I have the honour to be,
With great respect, My Lord Duke,
Your Grace's most ob.'t humble servant,
NEVILLE PARKER.

His Grace The Duke of Newcastle,
Secretary of State for the Colonies,
&c. &c. &c.

Schedule of Papers herewith.

1.—A. & B. Debate in House of Assembly on Introduction of Law Commissioners' Report.

2.—A. }
2.—B. } Debate in Legislative Council.

3.—Letter of Chief Justice, Judges, and Master of the Rolls.

4.—Petition of Master of the Rolls to Legislative Council.

5.—Representation of Master of the Rolls to the Lieutenant Governor.

6.—Further Representation.

7.—Observations on Debate in Legislative Council.